

AFFIDAVIT

I, Detective Steve Cook, the undersigned affiant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

1. I am a police officer with the Independence, Missouri, Police Department (“IPD”), since August 1993, and I am currently assigned as a detective with the Criminal Investigations Bureau. In connection with my official duties, I have conducted and/or participated in numerous state and federal investigations involving controlled substances and firearms, including the execution of state and federal search and arrest warrants.
2. The information in this affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and individuals. I have included only the information that I believe is necessary to establish probable cause. The information is not a complete statement of all the facts related to this case.
3. I submit this affidavit in support of a complaint for an arrest warrant for Zoram Sepulveda. Based on the facts below, I believe there is probable cause to believe Sepulveda illegally possessed a firearm and ammunition while an unlawful user of or addicted to a controlled substance, in violation of 18 U.S.C. § 922 (g)(3).
4. On June 28, 2019, at approximately 1053 hours, IPD Officer Evan Bateman was conducting speed enforcement in the area of northbound 291 at Truman Road. At that time, Officer Bateman observed a white Ford Focus tailgating a vehicle in the left lane of northbound 291 approaching Truman Road. The Ford Focus started to pass the vehicle in the right lane at which time Officer Bateman used his laser radar device and got a reading that the Ford Focus’ speed was 79 MPH in a 50 MPH zone.
5. Officer Bateman stepped to the side of his marked police motorcycle and placed the laser in his saddlebag while maintaining a visual on the vehicle as it approached. Officer Bateman then got on his motorcycle and began to put the kickstand up. The driver of the Ford Focus made eye contact with Officer Bateman and then attempted to quickly slow and exit onto the Truman Road exit directly behind Officer Bateman’s motorcycle.
6. The Ford Focus was traveling too fast and began to skid in the debris left in the triangle shaped shoulder behind the motorcycle. The Ford Focus came to a stop approximately 4 feet behind the motorcycle and Officer Bateman put the kickstand down and dismounted from the motorcycle and quickly approached the vehicle on the passenger side. The window was down and the driver was the sole occupant.
7. Upon making contact Officer Bateman observed a silver revolver in the driver’s left hand and a Glock handgun lying on the subject’s right leg. Officer Bateman drew his sidearm and ordered the subject to put his hands on the steering wheel. The subject dropped the revolver onto his lap and looked at Officer Bateman while keeping both hands open inches

above the firearms. Officer Bateman ordered the subject a second time to put his hands on the steering wheel and the subject did not comply. The driver then quickly reached for the shifter and placed the vehicle in gear and took off northbound on 291.

8. Officer Bateman got back onto his motorcycle and pursued the white Ford Focus, Missouri license MR4-B3E. The Ford Focus fled into the GEO Space industrial facility (the “caves”). Officer Bateman terminated the pursuit inside of the caves after he lost radio signal and was unable to make contact with dispatch or other Officers. Officer Bateman was able to provide responding officers with a description of the subject driving the white Ford Focus as being a black male wearing a grey sleeveless shirt with tattoos on his arms.
9. A perimeter was established around the GEO Space facility and the structure was placed on lockdown. Every entrance/exit to the facility was covered by officers with the Independence Police Department. K-9 Units from the Jackson County, Missouri, Sheriff’s Office and Oak Grove, Missouri, Police Department were also deployed. All vehicles leaving the facility were checked while search teams entered the facility to search for the suspect.
10. A maintenance worker advised that he had observed a black male wearing a fishing hat and a gray shirt running north near the interior address of 3011 E. Officers responded to that area and located the white Ford Focus abandoned and still running at bay 3011 E Dock 7.
11. At approximately 1128 hours, a subject later identified as Zoram Sepulveda approached the Salisbury Road exit to the caves facility. The subject was not wearing a shirt and was sweating profusely. The subject had on black shorts and black Nike tennis shoes. Detective Cook had viewed surveillance video from the Geo Space facility of the subject that had fled from the vehicle that Officer Bateman had chased and confirmed that the shorts, tennis shoes and tattoos matched Sepulveda. It was further apparent that Sepulveda had discarded clothing items inside the caves somewhere between the vehicle and the Salisbury Road exit. Officer Bateman also responded and positively identified Sepulveda as the subject Officer Bateman had pursued after observing the subject in possession of two firearms in the subject’s vehicle.
12. A police tow was ordered for the white Ford Focus and an inventory was conducted. During the inventory neither of the firearms observed by Officer Bateman during initial contact with Sepulveda were located. A backpack was located in the back passenger side seat of the vehicle. Inside the main compartment of the backpack, was a Glock extended magazine containing 17 rounds of .40 caliber ammunition.
13. SWAT Officer Jason Smith was searching the area between the vehicle that Sepulveda had abandoned and the Salisbury exit and while checking a MidContinent Paper tractor trailer backed into the docks at 4109 E (Dock 12) he observed what appeared to be a phone charging cable on the ground along with items of trash from Hardees. Upon closer inspection of the area Officer Smith observed the hat described by Officer Bateman as

being worn by Sepulveda and the grey shirt with black hood Sepulveda had been wearing shoved up into the frame by the rear axles of the truck. In surveillance video from the caves Sepulveda can be observed carrying what appears to be a brown paper bag consistent with the Hardees bag.

14. Officers then conducted a search for the firearms between the area that the vehicle was abandoned by Sepulveda (3011 E, Docks 7-8) and where his shirt and hat were located concealed underneath a tractor-trailer (4109 E, Docks 12-13). On the route traveled by Sepulveda, between the vehicle and the Salisbury Road exit, Detective Baker located a Glock firearm inside the housing for two large industrial ventilation fans. The firearm was a Glock 23, .40 caliber semi-automatic handgun with serial number LBA626. The firearm had "IPD" stamped on the slide. The firearm was loaded with 12 rounds of ammunition. All of the rounds in the firearm were the same and they all matched one (1) round that was in the extended magazine recovered from the abandoned vehicle. The revolver was never located.
15. After Sepulveda was transported to the IPD detention facility, and during his intake there, Detention Officer Simmons located a small zip-lock baggie containing a white powdery substance inside of Sepulveda's wallet. Detective Cook recovered the substance and Detective Leach conducted a TruNarc scan of the substance which showed positive for methamphetamine. The approximate field weight of the substance was 1.55 grams.
16. Detective Cook conducted a records check of Sepulveda through the Independence Police Department for past arrests and reports. During that check Detective Cook located a pattern of conduct by Sepulveda involving thefts of firearms during the commission of burglaries, drug possession and use and non-compliance with Police Officers to include resisting arrest. During a custodial interview with Sepulveda on November 17, 2017, regarding a stolen motorcycle Sepulveda admitted to Detectives that he had a history of drug use. 29
17. On June 06, 2019, at approximately 0751 hours, Detective Cook conducted an interview with Sepulveda. Prior to the interview Sepulveda was read his *Miranda* rights and agreed to speak with Detective Cook. During the interview Sepulveda made the following statements, in sum and substance, among others:
 - a. Sepulveda admitted to being a drug user since he graduated from high school in 2007. Sepulveda admitted that he uses methamphetamine and that he smokes it and that he last used methamphetamine on June, 28, 2019;
 - b. When asked about what had happened on June 28, 2019, relating to the police pursuit and the possession of two firearms, Sepulveda advised that he wanted to talk to a lawyer. The interview was then terminated.

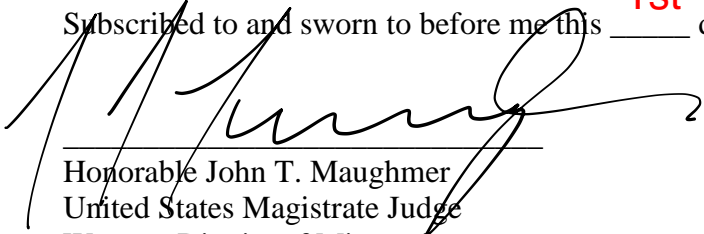
18. On June 29 and 30, 2019, Detective Cook contacted Supervisory S/A Matthew Wilson with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, reference the origin of the Glock 23, .40 caliber semi-automatic handgun. SA Wilson advised that neither the firearm nor ammunition was manufactured in the State of Missouri, and therefore would have traveled across state lines before being seized from Sepulveda.

FURTHER, YOUR AFFIANT SAYETH NOT.



Steve Cook, Detective
Independence Police Department

Subscribed to and sworn to before me this 1st day of July 2019.



Honorable John T. Maughmer
United States Magistrate Judge
Western District of Missouri